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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Farzad Raiyat

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EXAMINER

RYAN, PATRICK A

ART UNIT

PAPER NUMBER

2427

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,213	<b>Applicant(s)</b> RAIYAT, FARZAD	
	<b>Examiner</b> PATRICK A. RYAN	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is made in response to Amendment After Non-Final Office Action of May 8, 2008 ("Reply"), filed October 21, 2008. Applicant has amended Claims 5 and 9; has canceled Claims 1-4; and no claims have been added. As amended, Claims 5-12 are presented for examination.

2. In Office Action of May 8, 2008 ("Office Action"):

Claims 1-4, 5, 6, 9, and 10 were rejected under 35 U.S.C. 102(e) as being anticipated by Taguchi et al. United States Patent Application Publication (2002/0144289 A1), hereinafter "Taguchi".

Claims 7, 8, 11, and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi in view of Terakado et al., United States Patent (6,311,329 B1), hereinafter Terakado.

### ***Miscellaneous***

3. Applicant is advised that the Examiner's Art Unit number has changed from 2623 to 2427. All further correspondence should be directed to Art Unit 2427.

### ***Response to Arguments***

4. Applicant's arguments, see Reply Pages 4-5 with respect to Claims 5 and 9 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

5. Claims 6-8 are objected to because of the following informalities: each claim, as dependent from Claim 5, recites the limitation “the saving means”, but Claim 5 as amended does not provide antecedence for “the saving means”. For the purpose of this Office Action, the Examiner will assume “the saving means” of Claims 6-8 to have intended to be “the file saving system”, which is in accordance with Claim 5 as amended. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim(s) 9-12 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled “Clarification of ‘Processes’ under 35 U.S.C. 101”). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 5-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitts et al., United States Patent (7,009,657 B2) hereinafter “Mitts”.

10. In regards to Claim 5, Mitts teaches an Internet and TV data service browsing apparatus (Inquiry Client Means 110 of Fig. 1, as described in Col. 3 Lines 14-23; with further reference to Fig. 4) configured to

display Internet pages retrieved from the Internet in response to a Internet address being inputted by a user (Graphical User Interface 490 of Fig. 4, such as a web browser, displaying Internet-oriented pages, links and/or buttons, as described in Col. 5 Line 66—Col. 6 Line 38; with further reference to Col. 2 Lines 17-47) and to

display TV data service data retrieved from a TV channel broadcast in response to a TV data service address being inputted by a user (Graphical User Interface 490 displaying a list of program citations identifying information such as specific news programs based on the closed caption text of a broadcast stream, as described in Col. 5 Line 66—Col. 6 Line 38; with further reference to Col. 2 Lines 17-47),

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including a file saving system that saves a TV data service data file in a file format which is viewable by the browser (Text Files 140 processed in Central Server 130 and stored in Results Database 460, as shown in Fig. 5 and described in Col. 6 Line 33—Col. 8 Line 35), which is composed of, contains or refers to the TV data service data, and which is saved either having a file name or having a directory structure indicating either the channel name or channel number of the TV channel (Text Files 140 processed by Central Server 130 can be saved to directories named for the particular newscast being processed, as disclosed in Col. 7 Lines 43-55; with further reference to identification by call letters or name of the station or program source originating the broadcast, as described in Col. 6 Lines 14-19), wherein the saved TV data service data file can be browsed through via the browser (Inquiry Client 110 sends and receives search results and/or text files from Central Server 130 by way of a web browser, as described in Col. 6 Lines 20-22; with further reference to Abstract and Col. 2 Lines 17-47).

11. In regards to Claim 6, Mitts teaches the apparatus according to Claim 5, wherein, upon retrieving TV data service data in a file format which is viewable by the browser, the saving means saves this file as the TV data service data file (Conditioning Routine 510 imposes format consistency across all text files received by Central Server Means 130, such as according to NCI standards, as disclosed in Col. 6 Lines 33-49; with further reference to Reporting Options Routine 480 of Fig. 4, as described in Col. 6 Lines 2-9 and Col. 7 Lines 36-45).

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12. In regards to Claim 7, Mitts teaches the apparatus according to Claim 5 wherein, upon retrieving TV data service data in a file format which is not viewable by the browser, the saving means first converts that file to a format which is viewable by the browser and then saves that converted file as the TV data service data file (Conditioning Routine 510 allows text files that deviate from NCI standards to be converted to substantially conform to National Captioning Institute (NCI) standards, as described in Col. 6 Line 42—Col. 7 Line 5).

13. In regards to Claim 8, Mitts teaches the apparatus according to Claims 5 wherein, upon retrieving TV data service data either in a file format which is not viewable by the browser or not in a file format, the saving means first creates or amends a file to containing either TV data service data retrieved from the TV channel or a reference to an associated file containing TV data service data retrieved from the TV channel, and then saves that created or amended file as the TV data service data file (Conditioning Routine 510 allows text files that deviate from NCI standards to be converted to substantially conform to National Captioning Institute (NCI) standards, as described in Col. 6 Line 42—Col. 7 Line 5. In addition, Parsing Routine 520 (described as element 420) can apply user-defined and/or default rules such as beginning and end segment markers, time stamps, captions, and creating new text files, as described in Col. 7 Lines 14-55).

14. In regards to Claim 9, Mitts teaches a method of providing browsing of Internet and TV data services comprising the steps of:

supporting a browser (Graphical User Interface 490 of Fig. 4, such as a web browser, displaying Internet-oriented pages, links and/or buttons; and displaying a list of program citations identifying information such as specific news programs based on the closed caption text of a broadcast stream, as described in Col. 5 Line 66—Col. 6 Line 38; with further reference to Col. 2 Lines 17-47);

retrieving TV data service data from a TV channel (Text File 140 received by Central Server Means 130 from Client Means 100, as described in Col. 3 Lines 3-13); and

saving a TV data service data file which is composed of, contains or refers to the TV data service data in a file format which is viewable by the browser and with either a file name or directory structure indicating either the channel name or channel number of the TV channel (Text Files 140 processed in Central Server 130 by Conditioning Routine 510 and stored in Results Database 460, as shown in Fig. 5 and described in Col. 6 Line 33—Col. 8 Line 35), wherein the saved TV data service data file can be browsed through via the browser (Inquiry Client 110 sends and receives search results and/or text files from Central Server 130 by way of a web browser, as described in Col. 6 Lines 20-22; with further reference to Abstract and Col. 2 Lines 17-47).

15. In regards to Claim 10, Mitts teaches the method of Claim 9 wherein upon retrieving TV data service data in a file format which is viewable by the browser, that file is saved as the TV data service data file (Conditioning Routine 510 imposes format consistency across all text files received by Central Server Means 130, as disclosed in



Col. 6 Lines 33-49; with further reference to Reporting Options Routine 480 of Fig. 4, as described in Col. 6 Lines 2-9 and Col. 7 Lines 36-45).

16. In regards to Claim 11, Mitts teaches the method according to Claim 9 wherein, upon retrieving TV data service data in a file format which is not viewable by the browser, that file is first converted to a format which is viewable by the browser and then that converted file is saved as the TV data service data file (Conditioning Routine 510 allows text files that deviate from NCI standards to be converted to substantially conform to National Captioning Institute (NCI) standards, as described in Col. 6 Line 42—Col. 7 Line 5).

17. In regards to Claim 12, Mitts teaches the method according to claim 9 wherein, upon retrieving TV data service data either in a file format which is not viewable by the browser or not in a file format, a file is first created or amended to contain either TV data service data retrieved from the TV channel or a reference to an associated file containing TV data service data retrieved from the TV channel, and that created or amended file saved as the TV data service data file (Conditioning Routine 510 allows text files that deviate from NCI standards to be converted to substantially conform to National Captioning Institute (NCI) standards, as described in Col. 6 Line 42—Col. 7 Line 5. In addition, Parsing Routine 520 (described as element 420) can apply user-defined and/or default rules such as beginning and end segment markers, time stamps, captions, and creating new text files, as described in Col. 7 Lines 14-55).

***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./  
Examiner, Art Unit 2427  
Saturday, January 24, 2009

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427